

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: Not Yet Assigned Confirmation No. Not Yet Assigned

Applicant : Erwin BAYER, et al.

Filed : 12/27/2005

TC/A.U. : Not Yet Assigned

Examiner : Not Yet Assigned

Docket No. : 011235.57206US

Customer No. : 23911

**INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR §§ 1.97 and 1.98**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with the duty of disclosure under 37 C.F.R. § 1.56, the attached Form PTO-1449 lists documents which the Examiner may deem relevant to patentability of the claims of the above-identified application.

I. Time Period of Submission

This Information Disclosure Statement is submitted:

1) no later than three months from the application's filing date or 2) before the mailing date of the first Office Action on the merits (whichever is later) or 3) before a first Office Action after the filing of a Request for Continued Examination, and therefore no statement under 37 C.F.R. § 1.97(e) or fee under 37 C.F.R. § 1.17(p) is required.

2) after the later of three months from the application's filing date and the mailing date of the first Office Action on the merits, but before a Final Office Action, a Notice of Allowance, or an action closing prosecution (*Ex parte Quayle*), (whichever is earlier), and therefore Applicant is filing concurrently herewith:

a Statement under 37 C.F.R. § 1.97(e); or

a fee in the amount of \$180.00 under 37 C.F.R. § 1.17(p).

3) after either a Final Office Action or a Notice of Allowance, but before payment of the Issue Fee, and therefore Applicant is submitting herewith:

IAP5 Rec'd PCT/PTO 27 DEC 2005

a Statement under 37 C.F.R. § 1.97(e); and

a fee in the amount of \$180.00 under 37 C.F.R. § 1.17(p).

II. Statement Under 37 C.F.R. § 1.97(e)

I hereby state that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement; or

I hereby state that no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to my knowledge after making a reasonable inquiry, no item of information contained in this Information Disclosure Statement was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

III. Submission of Non-English Language Documents

The following is a concise explanation of relevance of the non-English language documents listed in the attached Form PTO-1449:

The relevance of DE 198 07 636 C1 and DE 199 09 675 A1 to the subject matter of the present invention is provided in the specification of the above-identified application.

A copy of a PCT Search Report for the corresponding German priority application, together with an English-language version(s) (if not already in English) of that portion of the report indicating the degree of relevance found by the foreign office is submitted.

English language family member publication(s) of document(s) _____ is/are noted on Form PTO-1449.

English language abstracts are submitted for the foreign language documents.

English translation(s) of the foreign language document(s) _____ is/are submitted herewith.

Applicant submits the following explanations:
_____.

IV. Continuations/Divisionals/PCT National Stage Applications

Documents _____ were previously submitted in an Information Disclosure Statement filed on == in parent application Serial No. _____, from which this application claims a benefit.

Copies of document(s) listed on the attached form PTO-1449 have already been provided by the International Searching Authority, therefore, duplicate copies are not attached hereto.

The submission of the listed documents is not intended as an admission that any such document constitutes prior art against the claims of the present application. Applicant does not waive any right to take any action that would be appropriate to antedate or otherwise remove any listed document as a competent reference against the claims of the present application.

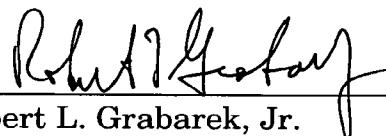
If necessary, this paper should be considered as an authorization to charge Deposit Account 05-1323, Attorney Docket No.: 011235.57206US, for the fee set forth in 37 C.F.R. § 1.17(p).

Respectfully submitted,

CROWELL & MORING LLP

Dated: December 27, 2005

By:



Robert L. Grabarek, Jr.

Reg. No. 40,625

Tel.: (949) 263-8400 (Pacific Coast)

Attachments

Intellectual Property Group
P.O. Box 14300
Washington, D.C. 20044-4300

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449A/PTO				<i>Complete if Known</i>	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT				10/562653	
(use as many sheets as necessary)					
Sheet	4	of	5	Attorney Docket Number	011235.57206US

U.S. PATENT DOCUMENTS

FOREIGN PATENT DOCUMENTS

Examiner Initials ¹	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD- YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passage s or Relevant Figures Appear	T ⁸
		Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)				
		GB 123,773	03-13-1919	Lucas Owen David		abstract
		GB 1,123,773	08-14-1968	Alchem Limited		
		GB 1,226,639	03-31-1971	Armco Steel Corporation		
		GB 2 035 288 A	06-18-1980	Ferro Corporation		
		DE 198 07 636 C1	11-18-1999	Motoren Turbinen Union		abstract
		DE 199 09 675 A1	09-07-2000	Motoren Turbinen Union		abstract

OTHER DOCUMENTS

PCT/DE2004/001283 PCT/ISA/210

Examiner Signature	/Gwendolyn Blackwell/	Date Considered	07/06/2009
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***EXAMINER:** Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. 1 Applicant's unique citation designation number (optional). 2 See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. 3 Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). 4 For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. 5 Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. 6 Applicant is to place a check mark here if English language Translation is attached. This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the

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Substitute for form 1449/PTO				Complete if Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>				Application Number	Not Yet Assigned
				Filing Date	12/27/2005 10/562653
				First Named Inventor	Erwin Bayer
				Art Unit	Not Yet Assigned
				Examiner Name	Not Yet Assigned
Sheet	5	of	5	Attorney Docket Number	011235.57206US

NON-PATENT LITERATURE DOCUMENTS

Examiner Signature	/Gwendolyn Blackwell/	Date Considered	07/06/2009
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

1 Applicant's unique citation designation number (optional). 2 Applicant is to place a check mark here if English language Translation is attached.

1 Applicant's unique citation designation number (optional). **2** Applicant is to place a check mark here if English language translation is attached.
This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO:**
Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

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